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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,360	07/25/2003	Yong N. Lee	87902	2459

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EXAMINER
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JIANG, CHEN WEN

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/627,360	Applicant(s) LEE, YONG N.	
	Examiner Chen-Wen Jiang	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20031104</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Horwell (U.S. Patent Number 6,397,624).

Horwell discloses a cooling apparatus. Referring to Figs. 1 and 4, the apparatus comprises housing 3 which defines a cylindrical chamber 4. The chamber 4 comprises a thermally insulative wall 6. It can be seen that the inner base 11 effectively partitions the apparatus 2 into two portions, an upper and a lower portion. The upper portion defines the chamber 4 in which is the bottle 14 whilst, in the lower portion is the timer mechanism 10 and a low voltage pump motor 18 for agitating the ice--water mixture within the chamber 4.

3. Claims 1,2,3,4,7,8,10,11,12,13,14,17,18,19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugawara (JP 2001304739).

Sugawara discloses a wine storage box. Referring to Figs. 1-3, a wine bottle holding vessel 6 having a plurality of bottomed cylindrical holding parts 6a and constituted of a member of high thermal conductivity is provided in a heat insulating box body 2a having an opening-closing cover 2b. A thermoelectric conversion element 8 constituted of a Peltier element and being in contact with the holding vessel 6 on the heat absorbing side 8a and with a heat radiating part 7 fixed to the outside of the bottom of the box body 2a, on the heat emitting side 8b, is

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provided in a notched part of the bottom of the box body 2a. By the heat absorption of the thermoelectric conversion element 8, wine bottles 5 are cooled directly through the intermediary of the wine bottle holding vessel 6. Cooling fan 9 is provided to cool the heat sink 7a.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara (JP 2001304739) in view of Osterhoff et al. (U.S. Patent Number 5,720,171).

Sugawara discloses the invention substantially as claimed. However, Sugawara does not disclose a container positioning means. Osterhoff et al. disclose a position means in the same field of endeavor for the purpose of creating heat transfer contact surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Sugawara with a position means in view of Osterhoff et al. to improve heat transfer.

6. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara (JP 2001304739) in view of Sola (U.S. Patent Number 2,838,916) or Cretzmeyer (U.S. Patent Number 4,580,405).

Sugawara discloses the invention substantially as claimed. However, Sugawara does not disclose a rotating container means. Sola and Cretzmeyer disclose a rotating container means in the same field of endeavor for the purpose of increasing heat transfer. Therefore, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Sugawara with a rotating container means in view of Sola and Cretzmeyer to increase heat transfer.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara (JP 2001304739) in view of Kieler (U.S. Patent Number 4,704,875) or Bloch et al. (U.S. Patent Number 6,494,316).

Sugawara discloses the invention substantially as claimed. However, Sugawara does not disclose a container positioning means. Kieler and Bloch et al. disclose a position means in the same field of endeavor or analogous art of positioning for the purpose of easy access. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Sugawara with a position means in view of Kieler or Bloch et al. to have easy access.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bielinski (U.S. Patent Number 5,881,560; Figs.9-12), Merritt (U.S. Patent Number 5,970,719), Leonoff (U.S. Patent Number 6,082,114) and Giles (U.S. Patent Number 6,732,533) are made of record as relevant prior art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (703) 308-0275. The examiner can normally be reached on Tuesday-Friday from 7:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang  
Primary Examiner

A handwritten signature in black ink, consisting of a stylized 'C' followed by a large, flowing 'J' and 'I'.